



ADMINISTRATOR MINUTE: Restriction on Title - Lot 100 DP 1220591 - Royal Freemasons Benevolent Institution

AUTHOR: Administrator
REPORT DATE: 1 May 2017
TRIM REFERENCE: ID17/728

To the Council
Ladies and Gentlemen

Office of the Administrator
Civic Administration Building
Church Street, Dubbo

I refer to this subject and attach the report of the Manager Commercial Facilities regarding this matter as **Appendix 1**.

It is recommended that the recommendation of the Manager Commercial Facilities be adopted.

RECOMMENDATION

1. That Council approve the registration by the Royal Freemasons Benevolent Institution of a restriction over Lot 100 DP 1220591 to restrict the use of the site to accommodate seniors and people with a disability.
2. That all costs in relation to the registering of the restriction be the responsibility of Royal Freemasons Benevolent Institution.
3. That all necessary documentation in relation to this matter be executed under Common Seal of Council.

Michael Kneipp
Administrator

Appendices:

- 1 Report of Manager Commercial Facilities - Restriction on Title - Lot 100 DP 1220591 - Royal Freemasons Benevolent Institution

EXTRAORDINARY COUNCIL MEETING
1 MAY 2017



REPORT: Restriction on Title - Lot 100 DP 1220591 - Royal Freemasons Benevolent Institution

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EXECUTIVE SUMMARY

Council created and sold a 9.6ha vacant land parcel at Keswick Estate to the Royal Freemason Benevolent Institution (RFBI) for them to construct and operate an aged care facility. RFBI are paying the purchase price to Council over a four year period and are occupying the land under a licence agreement.

Development approval for the aged care facility was granted with consent D2014-382 which requires a restriction to be placed on title in the form of an 88B instrument, to ensure the facility is used for Seniors or people with a disability as follows:

(44) The Seniors Housing development subject to this development application shall not accommodate anyone other than:

- (a) Seniors or people who have a disability,*
- (b) People who live within the same household with seniors or people who have a disability,*
- (c) Staff employed to assist in the administration of and provision of services to housing provided under this Policy.*

The above restriction shall be shown on a Section 88B Instrument created under the Conveyancing Act 1919 as a Restriction on the use of Land which is to be submitted and approved by Council prior to release of the first Occupation Certificate issued for the subject site.

{Reason: To comply with Clause 18 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004}

This condition was imposed as a requirement of Clause 18 of the Seniors Housing SEPP stating that a condition and a restriction on the title is to be imposed.

The Applicant (RFBI) is seeking to have the Occupation Certificate for the Residential Care Facility released in the near future, however as per Condition 44 above, the Occupation Certificate will need to be withheld until the above condition has been complied with.

Council, as the owner of the subject land parcel, is required to execute the 88B instrument under common seal before such document is able to be lodged with NSW LPI for registration.

**EXTRAORDINARY COUNCIL MEETING
1 MAY 2017**

ORGANISATIONAL VALUES

Customer focused: Council's adoption of this report allows the applicant to open their facility promptly without delay.

Integrity: The contents of this report are open to the public and in accordance with relevant regulations.

One Team: Not applicable

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

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2. That all costs in relation to the registering of the restriction be the responsibility of Royal Freemasons Benevolent Institution.
3. That all necessary documentation in relation to this matter be executed under Common Seal of Council.

Simon Tratt
Manager Commercial Facilities